

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

Stokes

Civil Action No. 6:15-00132

versus

Judge Rebecca F. Doherty

Sheriff's Office Iberia Parish, et al

Magistrate Judge Carol B. Whitehurst

**RULE 7(a) HEIGHTENED PLEADING REVIEW**

In this §1983 civil rights suit, plaintiff has sued defendants Iberia Parish Sheriff's Office though its Sheriff, Louis M. Ackal, and six (6) Iberia Parish Deputy Sheriffs in their official and individual capacities. In their answers, defendants plead qualified immunity. *R. 1; 14*. The undersigned has therefore conducted an evaluation of plaintiff's complaint and amended complaint to determine whether it meets the applicable heightened pleading requirement. *See Schultea v. Wood*, 47 F.3d 1427, (5<sup>th</sup> Cir. 1995).<sup>1</sup>

After review, the undersigned concludes that the plaintiff has "supported [her] claims with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendants' conduct at the time of the alleged acts." *Schultea*, 47 F.3d at 1434. Although the court may later determine the facts in favor of defendants,

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<sup>1</sup> When an officer or other official sued in his or her personal capacity asserts a qualified immunity defense in a civil rights action, the plaintiff must support his or her claim "with sufficient precision and factual specificity to raise a genuine issue as to the illegality of defendant's conduct at the time of the alleged acts." *Schultea v. Wood*, 47 F.3d 1427, 1434 (5<sup>th</sup> Cir. 1995).

the sole issue presented here is whether plaintiff has satisfied the heightened pleading requirement of *Shultea*, which the undersigned concludes she has. Thus, no order limiting discovery under *Schultea* is appropriate.

Signed at Lafayette, Louisiana on this 21<sup>st</sup> day of September 2015.

A handwritten signature in black ink, appearing to read "Carol B. Whitehurst", written over a horizontal line.

CAROL B. WHITEHURST  
UNITED STATES MAGISTRATE JUDGE